

HOUSE BILL 977

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 44,  
Chapter 7, relative to animal identification  
programs.

WHEREAS, The state of Tennessee has entered into agreements with the federal government and otherwise may have participated in establishing a national animal identification system; and

WHEREAS, Existing means for identifying and tracking animals have been sufficient to trace outbreaks of animal diseases, and that there is no scientific evidence that mass, uniform tagging and tracking of animals will improve this state's or nation's ability to prevent, control, or respond to an outbreak of animal disease, whether natural or intentionally introduced; and

WHEREAS, The fostering of livestock ownership and farming is in the best interests of this state and its citizens, and the establishment of a national or state animal identification system is detrimental to individual ownership and raising of livestock; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 44, Chapter 7, is amended by adding the following as a new part thereto:

Section 44-7-501. As used in this part, unless the context otherwise requires:

(1) "Animal" means all members of the animal kingdom except humans, fish, and insects. "Animal" does not include undomesticated animals living in the wild;

(2) "Department" means the Tennessee department of agriculture;

(3) "Commissioner " means the commissioner of the department of agriculture or his or her duly authorized representative;

(4) "Livestock" means equines (horses, mules, donkeys, burros); bovines (cattle and bison); cervids (deer and elk); ovine (sheep); caprine (goats); porcine (swine); camelids (llamas and alpacas); poultry (chickens, ducks, emu, geese, guineas, pheasants, quail, turkeys); and any other animal that the federal government may have included in the national animal identification system.

"Livestock" does not include undomesticated animals living in the wild;

(5) "Person" means individuals, corporations, partnerships, associations, or other legal entities and agents of those entities;

(6) "Premises" means a location where livestock are raised, held, or boarded; and

(7) "Source verification program" means the national animal identification system (NAIS) or any other program that tracks individual animals or groups of animals in order to determine the origin of such animal or group, the identity of all other animals that have been in contact with it, and the location of all premises at which it has been held in its lifetime.

Section 44-7-502.

(a) This state shall not establish nor participate in the national animal identification system or any other source verification program.

(b) The prohibition in this section also applies to the components of a source verification program, including premises registration and data bases, animal identification and data bases, and animal movement tracing and data bases.

(c) All cooperative agreements between the federal government and this state, or between this state and other states, established prior to the effective date of this section and related to the establishment of animal tracking, tagging,

registration, or information data bases, premises registration, or information data bases, use of microchips for animal tagging purposes, and other matters related to the national animal identification system are hereby terminated and null and void as to this state's participation.

(d) Immediately upon the effective date of this section, any identification lists or data bases created using, in whole or in part, federal funds under the national animal identification system, shall be void and shall not be used for any purpose by any governmental, public, or private person or entity. This provision does not include lists and data bases that were created solely for the purposes of addressing specific diseases in specific species of livestock, except to the extent that such lists have been used for the national animal identification system program.

Section 44-7-503. Nothing in this part shall be construed as prohibiting the state from establishing or participating in disease control programs specifically designed to address a known disease in a specific species of livestock.

Section 44-7-504. Nothing in this part shall be construed as prohibiting the state from operating livestock identification, brand registration, and inspection programs as authorized by this chapter.

Section 44-7-505. Nothing in this part shall be construed as prohibiting private agricultural industry organizations from establishing voluntary source verification programs for their own members or others who elect to participate. However, any private system is subject to the following conditions and limitations:

(1) The program must provide for full and informed consent of all participants, including disclosure of the entire program, the possible uses of

information collected thereunder, and every entity or person to whom such information may be disclosed;

(2) Persons who voluntarily enroll in the program shall be allowed to withdraw from the program at any time and their personal information shall be permanently removed from program records;

(3) No public funds may be used to support such a program;

(4) The private program shall not be used to gain unfair competitive advantage, but shall be considered a commercial term subject to laws restricting unfair competition; and

(5) A private source verification program identification system, device, or marking shall not obliterate or supersede or otherwise make unreadable this state's or any local entity's brand or mark on any animal. A source verification program's rules may not supersede this state's brand or marking system rules as a matter of law.

Section 44-7-506.

(a) No services, compensation, favors, payments, credits, benefits, licenses, permits, certifications, insurance or risk management coverage, special consideration, or other incentives may be provided by any public or private person, directly or indirectly, to any participant in an animal identification or premises registration program based solely on that person's participation in such program.

(b) No services, compensation, favors, payments, credits, benefits, licenses, permits, certifications, insurance or risk management coverage, special consideration, or other incentives may be denied, revoked, or limited by any

public or private person, directly or indirectly, based solely on that person's lack of participation in an animal identification or premises registration program.

(c) Neither this state nor any local government in this state may require any of its suppliers to participate in a premises registration or animal identification program as a condition of supplying goods or services.

(d) Failure to participate in a premises registration or animal identification program, or the providing of services to persons who are not participants in a premises registration or animal identification program, shall not be a crime, an element of any crime, or evidence of any negligence or gross negligence on the part of any livestock owner or provider of goods or services.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.